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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,679	11/21/2003	Steve Mundy	018360/269090	1310
826	7590	10/24/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3692	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,679	<b>Applicant(s)</b> MUNDY, STEVE	
	<b>Examiner</b> James A. Kramer	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14, 17-34, 38-49 and 51-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 17-34, 38-49 and 51-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>JUL 03, 2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The amendment filed 9/8/06 includes a claim identifier for claim 49 which appears to be incorrect. Particularly, it identifies claim 49 as “(currently amended)”. As claim 49 does not contain an amendment, Examiner believes is should say, “(previously presented).”

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 17-34, 38-49 and 51-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. in view of Commerce One

Williams et al. teaches an apparatus, system and method for online, multi-parcel, multi-carrier, multi-service enterprise parcel shipping management.

With respect to **Claim 14**, Williams et al. teaches providing a selectable list of suppliers to a user via a buyer interface of an electronic procurement system wherein said electronic procurement system is configured according to an established procurement policy (see for example page 2 paragraph 0017); allowing said user to purchase one or more goods from one or more of said suppliers via the electronic procurement system and offering shipping services to the user via the electronic procurement system upon the user selecting the shipping carrier from the list of suppliers (see page 3, paragraph 0021).

Examiner notes that the comparison array of Williams et al. represents Applicant's selectable list.

Further, Examiner notes that Applicant fails to set forth a clear and definite definition for an electronic procurement system. Based on Applicant's specification and in particular the "Description of Related Art" Examiner interprets an electronic procurement system as a computerized system, within a company developed to alleviate the hassles that can be associated with maintaining a business procurement policy and to maximize access to data regarding business purchases (Specification, page 2, paragraph 0008, lines 1-3). Examiner notes that the system of Williams et al. meets this interpretation (for example see page 3, paragraph 0029).

Williams does not specifically teach where in the system allows for the purchase of tangible goods and for shipping services.

Commerce One teaches a buyer procurement application configured to list preferred suppliers of goods and services, execute purchase transactions, and record transaction information regarding purchases made including but not limited to descriptions of the products or services purchased, an identification of the employee who made the purchase, the price of the purchase and the time of the purchase (see Applicant's Specification page 7, paragraph 36, lines 3-8 and website for Commerce One Buy submitted by Examiner from archive.org's WayBack Machine).

Examiner notes that at the time of the present invention it would have been obvious to one of ordinary skill in the art at the time of the invention to add the shipping services of Williams to the buyer procurement application of Commerce One. One of ordinary skill in the art would have been motivated to make such a modification in order to reduce purchasing costs.

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of shipping services to improve a company's bottom line (see Commerce One page 5 of 8, 1<sup>st</sup> paragraph).

With respect to **Claims 17 and 18**, Williams et al. teaches generating a shipping label; and returning a shipping label to the buyer interface; wherein the step of generating a shipping label comprises providing the ship to address, and the level of service to a shipping carrier tracking application (see page 3, paragraphs 0020-0025).

With respect to **Claims 19 and 20**, Williams et al. teaches wherein the electronic procurement system comprises a buyer procurement server, a shipping carrier procurement services server and a commerce services server (see Figure 3). Examiner notes that the Enterprise User Computers represent buyer procurement server. Further the system data center represents commerce services server and the carriers' servers represent shipping carrier procurement services server.

With respect to **Claims 21 and 22**, Williams et al. teaches sending user data from the buyer procurement server to a commerce services server and sending user data from the commerce services server to the shipping services procurement server upon user selecting the shipping carrier from the list of suppliers (see Figure 3 and page 6, paragraphs 0101 through 0109).

Examiner notes the Enterprise User Computers (8a-8n) represent Applicant's buyer procurement server. Additionally, the Firewall/Proxy servers (21a-21k) represent Applicant's commerce servers, as all information from the Enterprise user/buyer is filtered through these servers. Finally, the Web Farm (21m-21r) represents Applicant's shipping services procurement server (see page 6, paragraph 0101, lines 4-8)

Examiner further notes that user information is passed from the Enterprise system (buyer procurement servers) through the firewall/proxy servers (commerce servers) to the System (shipping services procurement server) in order to rate a shipment and thus allow selection by the user of the shipping company (see 8. Shipment Rating starting on page 13, paragraph 0252).

With further respect to **claims 21 and 22**, Williams et al also teaches sending a startup URL from the shipping carrier procurement services application to the buyer procurement application (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 23**, Williams et al. teaches wherein the user data comprises: a user identifier, a buyer company identifier, a return URL and a session identifier (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing user and buyer company identifier. Further, Williams et al.'s PID represents Applicant's session ID. Lastly the

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create a link feature represent the return URL used to return transaction information back to the user.

With respect to **Claim 24**, Williams et al. teaches sending transaction data to the buyer procurement server from the shipping carrier procurement services server, the data being sent to location referred to by the return uniform resource locator (see page 23, paragraph 0377 through page 24, paragraph 0389). Examiner notes, as was discussed with respect to claim 23, the create a link feature returns transaction information embedded in a URL to the users.

With respect to **Claim 25**, Williams et al. teaches wherein the user data further comprises: a unique buyer key; and a supplier company identifier. Examiner once again notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that these rules include shipper identifiers which identify the shippers available to a particular user. Further, Examiner notes that a user name represents a unique buyer key.

With respect to **Claim 27**, Williams et al. teaches wherein the user data comprises: a user identifier; a buyer company identifier; a return uniform resource locator; and a session identifier (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing user and buyer

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company identifier. Further, Williams et al.'s PID represents Applicant's session ID. Lastly the create a link feature represent the return URL used to return transaction information back to the user.

With respect to **Claim 28**, Williams et al. teaches wherein the user data further comprises: a supplier company identifier. Examiner once again notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that these rules include shipper identifiers which identify the shippers available to a particular user. Further, Examiner notes that a user name represents a unique buyer key.

With respect to **Claim 29**, Williams et al. teaches wherein the user data further comprises: a unique buyer key, and a unique supplier key, the unique buyer key being sent from the procurement server to the commerce services server and the unique supplier key being sent from the commerce services server to the shipping carrier procurement services server (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing a buyer key. Examiner notes that these rules further include shipper identifiers which identify the shippers available to a particular user.

With respect to **Claim 31 and 32**, Williams et al. teaches wherein the startup uniform resource locator contains embedded values comprising a user identifier, a buyer company



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identifier, and a session identifier. (see page 23, paragraph 0377 through page 24, paragraph 0389). Examiner once again notes that the PID represents the session identifier, which relates back the the logged in user and buyer company and as such includes that information embedded in the URL.

With respect to **Claim 33**, Williams et al. teaches directing a browser application on the buyer interface to the startup uniform resource locator (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 34**, Williams et al. teaches enabling the user to specify package shipping data including a ship to address, a package weight, and a level of service (see page 21, paragraph 0347).

With respect to **Claims 38 and 39**, Examiner finds them substantially similar to the claims above and therefore they are not patentable distinct. Examiner relies on the analysis above for claims 38 and 39.

With respect to **Claim 40-46**, Examiner finds them substantially similar to the claims above and therefore they are not patentable distinct. Examiner relies on the analysis above for claims 40-46.

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With respect to **Claim 47-58**, Examiner finds them substantially similar to the claims above and therefore they are not patentable distinct. Examiner relies on the analysis above for claims 407-58.

***Response to Arguments***

Applicant's arguments filed 9/8/06 have been fully considered but they are not persuasive.

Applicant asserts that the prior art fails to teach integrating shipping services with an electronic procurement system such that a user can purchase shipping services in addition to tangible goods (see for example Remarks/Arguments submitted 9/8/06 paragraph bridging pages 10 and 11 and page 11, third full paragraph). Examiner respectfully disagrees.

It is the position of the Examiner that Williams teaches the ability to sell shipping services in the same manner as tangible goods and services (i.e. over the internet via an electronic procurement system). In addition, Commerce One is relied upon to teach selling of a plurality of different tangible goods and services via an electronic procurement system. Thus the Examiner asserts one of ordinary skill in the art at the time of the invention would have known to expand Commerce One to include as one of the plurality of goods and services offer to include shipping services since it was known to sell shipping services in the same manner as tangible goods (as taught by Williams).

Applicant goes on to assert that there is no motivation to combine Williams and Commerce One. Specifically, Applicant challenges the cited portion of Williams (page 5 of 8, 1<sup>st</sup> paragraph). Examiner respectfully disagrees. The passage states that reducing the purchasing costs of services improves a company's bottom line. Shipping services are clearly a services, therefore one of ordinary skill would be motivated to want to purchasing shipping services from a system such as Commerce One, which offers a plurality of goods and services.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Thursday (8AM - 5PM).

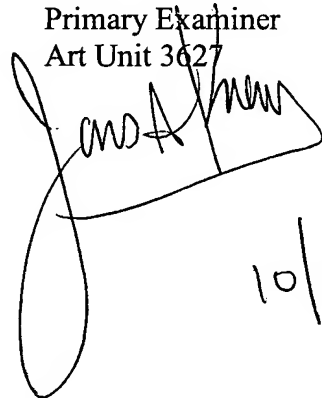
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jak  
5/3/06

James A. Kramer  
Primary Examiner  
Art Unit 3627



10/18/06